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10/004,294	10/24/2001	Steven Foster	60,130-1226	9265

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EXAMINER

NGUYEN, TRINH T

ART UNIT	PAPER NUMBER
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3726

DATE MAILED: 05/16/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/004,294

Applicant(s)

FOSTER ET AL.

Examiner

Trinh T Nguyen

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/10/03, Interviews on 4/23/03 & 5/12/03.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-19, 21 and 23-35 is/are rejected.
- 7) ☐ Claim(s) 20 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☒ Interview Summary (PTO-413) *Attached*
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit:

DETAILED ACTION

Response to Amendment

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. However, it is noted that the follow Office Action will be a Final Action.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 16-19, 21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Stein et al. (US 5,582,789).

For claims 16 and 18, Stein et al. disclose a method of forming a vehicle panel having the steps of placing a layer of colored material (30) in a mold (22) to form an outer layer, placing by injecting a layer of polymeric material (20) in the mold to form a central layer, integrally molding the layer of colored material and the layer of polymeric material as one piece to form a generally flat vehicle panel (note that Stein's finished panel is used in the automotive industry which would included either door and/or wall and/or trailer panel), and mounting the vehicle

Art Unit:

panel to a superstructure frame (note that Stein's finished panel would be inherently mounted onto a superstructure frame of a vehicle).

For claim 17, note that Stein's method discloses placing an inner layer (10) into the mold prior to placing a layer of polymeric material (20) in the mold.

For claim 19, note that Stein's outer layer comprises a paintless polymer film.

For claim 21, note that Stein's polymeric material includes reinforcing fibers (see lines 25-44 of col. 2).

For claim 23, note that Stein's inner layer comprises a polymeric material (see lines 15-20 of col. 2).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 24, 25, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al. (US 5,582,789) in view of Morrison et al. (US 5,824,251).

Stein et al. disclose most of the limitations as claimed except for: 1) injecting a layer of insulation into the mold and injecting a structural support layer into the mold for forming at least one rib; and 2) forming at least one wiring conduit and at least one electrical outlet in the panel.

Art Unit:

Regarding 1), Morrison et al. teach a method of forming a vehicle panel wherein the method comprises injecting a layer of insulation into the mold (see lines 5-8 of col. 4) and injecting a structural support layer (40) into the mold for forming at least one rib (46, 47)(see lines 9-20 of col. 4). It would have been obvious to one of ordinary skill in the art to have modified Stein's method so as to include Morrison's method of injection a layer of insulation and structural support layer into the mold, in light of Morrison's teaching, in order to provide an additional support for the panel and thus increase the overall structural integrity.

Regarding 2), Morrison et al. teach a method of forming a vehicle panel wherein the method comprises forming at least one wiring conduit and at least one electrical outlet in the panel (see lines 21-27 of col. 4). It would have been obvious in view of one ordinary skill in the art to have modified Stein's method so as to include Morrison's method of forming wiring conduit and electrical outlet, in light of Morrison's teaching, in order to provide the necessary openings for wiring procedures.

6. Claims 26-28, and 31-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al. (US 5,582,789) in view of Sjostedt et al. (US 5,403,062).

For claims 26-28, Stein et al. disclose most of the claimed invention except for: 1) forming male (i.e., a groove) and female (i.e., a tongue) members in the superstructure frame or the panel and inserting the female member into the male member; and 2) forming receiving holes in support beams of the superstructure frame and mounting threaded fasteners to the panel and inserting the fasteners into the receiving holes.

Art Unit:

Regarding 1), Sjostedt et al. teach a vehicle body having a superstructure frame with multiple support beams and a plurality of panels wherein female and male members (e.g., 562 as shown in Figure 12 can be considered as a tongue/female member and 274 can be considered as a groove/male member) are being used for connecting the superstructure frame and the panels together. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Stein so as to include the use of tongue and groove for the attachment of structural members (i.e., the superstructure frame and the panels) together, as suggested in Sjostedt et al., in order to provide a more efficient way to interconnect a plurality of structural members together and thus optimize the overall structural integrity.

Regarding 2), Sjostedt et al. teach a vehicle body having a superstructure frame with multiple support beams and a plurality of panels wherein receiving holes and threaded fasteners are being used for connecting the support beams and the panels together. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Stein so as to include the use of receiving holes and threaded fasteners for the attachment of structural members (i.e., the support beams and the panels) together, as suggested in Sjostedt et al., in order to provide a more efficient way to interconnect a plurality of structural members together and thus optimize the overall structural integrity.

For claims 31-33, Stein et al. disclose most of the claimed invention except for the repeating steps to form multiple vehicle panels. However, it is noted that repeating process steps

Art Unit:

to form multiple components/panels would be inherently performed within a manufacturing process in order to form/create multiple components/panels.

For claims 34 and 35, Stein et al. disclose most of the claimed invention except for providing superstructure frame with multiple support beams having a plurality of installation positions, which have first and second mounts thereon. Sjostedt et al. teach a vehicle body having a superstructure frame with multiple support beams having a plurality of installation positions, which have first and second mounts thereon to secure the panels to the superstructure frame (see Figures 1, 7, 9, 19, 38-41, 29, 45, 46). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the method of Stein so as to include a superstructure frame with multiple support beams having a plurality of installation positions, which have first and second mounts thereon to secure the panels to the superstructure frame, as suggested in Sjostedt et al., in order to provide a more efficient way to interconnect a plurality of structural members together and thus optimize the overall structural integrity.

Allowable Subject Matter

7. Claims 20 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed 4/10/03 have been fully considered but they are not persuasive.

Art Unit:

9. In response to Applicant's argument that Stein's panels are very different than Applicant's trailer panel, the Examiner disagreed. It is noted that one of ordinary skill in the art of making vehicular panel can use Stein's method to make a trailer panel since Stein's finished panel can be used in the automotive industry which would included either door panel and/or wall panel and/or trailer panel.

10. In response to Applicant's argument that there is no teaching of mounting the trailer panel to a trailer superstructure frame as claimed, Applicant is directed to paragraph #3 above for further explanation.

11. In response to Applicant's argument that Stein does not teach placing an inner layer into the mold to form the inner surface of the trailer panel as claimed by the Applicant in claim 17, Applicant is directed to paragraph #3 above for further explanation.

12. In response to Applicant's argument that Morrison et al. do not teach the formation of ribs, the Examiner disagreed. However, a fair reading of the claim language permits the Examiner to interpret Morrison et al.'s structures 46 & 47 as ribs.

13. In response to Applicant's argument that neither reference teaches formation of wiring conduits and/or electrical outlets as claimed, Applicant is directed to paragraph #5 above for further explanation.

Conclusion

14. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


Art Unit:

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Official documents related to the instant application may be submitted to the Technology Center 3700 mail center by facsimile at (703) 305-3579/3580.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trinh Nguyen whose telephone number is (703) 306-9082.


GREGORY YIDOVICH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

ttn

May 14, 2003